

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:15-cv-04750-SVW-FFM	Date	September 24, 2015
Title	<i>Ty Messerli v. Root9b Technologies, Inc. et al</i>		

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Paul M. Cruz

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: IN CHAMBERS ORDER GRANTING DEFENDANT’S MOTION TO TRANSFER [23]

Plaintiff Ty Messerli (“Plaintiff”) filed a class action complaint against Root9b Technologies, Inc., Joseph J. Grano, Jr., Kenneth T. Smith, and Eric Hipkins (“Defendants”) on June 23, 2015. (Dkt. 1.) Plaintiff’s complaint alleges violations of §§ 10(b) and 20(a) of the Exchange Act. (*Id.*) On August 25, 2015, Defendants filed a motion to transfer the case to the District of Colorado under 28 U.S.C. § 1404(a). (Dkt. 23.) Defendants noticed the motion for hearing on September 28, 2015. (Dkt. 23, 1.) Plaintiff has not filed an opposition to the motion to dismiss. (*See* Dkt. 30.)

Under local rule 7-9, an opposing party must file an opposition “not later than twenty-one (21) days before the date designated for the hearing of the motion.” (L-R 7-9.) The rules also provide that the Court may decline to consider untimely submissions and failure to file within the deadline “may be deemed consent to the granting or denial of the motion,” except in the case of motions for summary judgment. (L-R 7-12.) When the Plaintiff failed to submit an opposition to Defendant’s motion to transfer at least 21 days before the noticed hearing, he violated local rule 7-9. Therefore, the Court may grant the motion and transfer the case. *See, e.g., Prawoto v. PrimeLending*, 720 F. Supp. 2d 1149, 1151 (C.D. Cal. 2010).

Order

For the aforementioned reasons, Defendant’s motion to transfer is GRANTED. The hearing scheduled for September 28, 2015 is VACATED and OFF-CALENDAR.

Initials of Preparer

PMC